REMARKS

Applicant respectfully requests reconsideration of the above-identified patent application in view of the remarks below.

Claims 1-15 and 17-20 are pending in the application and are rejected. Claim 16 was previously canceled.

The Prior Art Rejections

The Examiner rejects Claims 1-15 and 16-20 under 35 U.S.C. §103(a) over U.S. Patent No. 6,466,952 to Hanes et al. in view of U.S. Patent No. 6,427,149 to Rodriguez.

Claim 1 requires a method of restoring backed up data, including retrieving, by a data backup and storage system, a list of objects that are restorable by a client, displaying the list of restorable objects for browsing by a user, generating a list of restorable *objects marked for restoration* by the user, wherein *each of the restorable objects is associated with* ***a particular library***, submitting the list of marked restorable objects for restoration by the client, and executing a restoration of the submitted list of marked restorable objects via a remote procedure call such that *multiple restore submissions can be made prior to restore execution.*

Hanes discloses transferring data from old media to new media. For example, Hanes teaches migrating data from a floppy disc to a CD-RW disc. While Hanes teaches that the user can select source files for migration to the destination media, Hanes does not teach or suggest that *restorable* objects are associated with a particular library, as claimed. As described in Applicant's specification at page 12, first full paragraph,

> "In general, libraries to support additional catalogs associated with new backup methods and new data storage types can be added with minimal overall impact on the restore system. Catalogs contain information associated with backed up data, such as media type, meta data to enabling browsing, bitfile lengths, and rename attributes for a restore. Each catalog is supported by a library that interprets the catalog information and passes it to the restore engine process in an expected format. The architecture of the restore system allows new storage architectures to

> be supported by existing backup storage systems by adding an associated library in a predetermined location, such as a library directory. The added library provides the catalog information for new types of objects to the restore engine in a usable manner."

Applicant submits that Hanes does not teach or suggest associating restorable objects with a particular library, as claimed.

In addition, Hanes appears limited to a personal computer while claim 1 requires a data backup and storage system. Applicant submits that Hanes is not a backup and storage system as understood in the art. In the Background of the Invention section of Applicant's specification, a Symmetrix storage system is listed as an exemplary storage system that can be connected to a client. Hanes simply cannot perform as a data backup and storage system, such as the EMC Symmetric system.

Applicant submits that Rodriguez fails to overcome any of the deficiencies of Hanes set forth above.

Rodriguez merely teaches a technique to enable an Internet user to utilize a browser application to see and select files in a ZIP archive file by providing hyper text links in an HTML document. Rodriguez avoids the need for a user to download the entire ZIP archive file. Applicant submits that the trivial archive file recovery technique taught by Rodriquez is quite irrelevant to backing up huge amounts of data contained in submit objects, which can include databases, and restoring the backed up data using a data backup system, such as the one shown and described in Applicant's specification.

Applicant submits that Rodriguez fails to teach or suggest any of the claimed method of restoring backed up data, which requires, among other things, generating a list of restorable *objects marked for restoration* by the user, wherein *each of the restorable objects is associated with a particular* ***library***, and executing a restoration of the submitted list of marked restorable

objects via a remote procedure call such that *multiple restore submissions can be made prior to restore execution*.

Accordingly, Applicant submits that claim 1 is patentably distinguishable over Hanes and/or Rodriquez. For at least substantially the same reasons, Applicant submits that claims 2-15 and 17-20 are also distinguishable over the cited references.

Notwithstanding the above, Applicant submits that certain dependent claims are patentably distinguishable over the cited art for additional reasons.

Claim 9, for example, requires "*detecting and identifying* ***libraries*** that support associated *catalogs of backed up data* for processing of backed up data by the restore engine process." The Examiner points to col. 6, lines 8-25 and 49-67, which is set forth below:

> "File selection function 32 allows the user to select a group of files to transfer to the second storage media 18 present in the destination storage device 16. If source storage device 12 is a tape drive, data transfer function 35 may invoke commercial tape backup/restoration software to mount the tape, extract volume information, position the tape to the desired volume, extract file information from the desired volume, and return the file information to the file selection function 32 for presentation to the user. Once the user selects the desired files from the presented available files, data transfer function 35 invokes the restore function of the commercial tape backup/restoration software to restore the selected files to local memory (i.e., the hard drive 10). Alternatively, the data transfer function 35 itself implements this functionality.
>
> Preferably, file selection function 32 provides the ability to select different groups of files to be transferred to different directories on the second storage media 18. In this case, the user could select a first group of files contained on the first storage media 14 to be transferred to one directory....
>
> When the files are selected to be transferred, data transfer application 20 preferably indexes 25 the contents of the selected files. This is performed by indexing function 33. Preferably, when the files to be transferred are selected, an index 3 describing the contents of the selected files is created by the indexing function 33. For example, if the selected files to be transferred are word processing files, the contents of the index 3 would include a set of keys comprising information about the contents of the word processing files. The index 3 is preferably stored along with the selected files on the destination media 18. Then, at a later time, if the user

> wants to search for files containing certain text, data transfer application 20 searches the contents of the index 3 to find all the files that have corresponding keys that match one or more of the searched for text. In the preferred embodiment, the index 3 is also stored on the local hard drive 10 of the computer system 2. Storing the index 3 on the local hard drive 10 allows the user to perform a quick search for the location of and contents of a file without actually mounting..."

In reviewing the above passage, Applicant respectfully requests clarification with regard to support for the Examiner's assertion that Hanes teaches the subject matter of claim 9.

Claim 10 requires "adding a new library supporting new methods of backing up data" and claim 11 requires "determining object types for backed up data supported by the libraries" for which the Examiner points to the same passage as for claim 9. Applicant requests clarification for claims 10 and 11 as to where in the cited passage the Examiner relies to teach the claimed subject matter.

In view of the above, Applicant submits that claims 1-15 and 17-20 are patentably distinguishable over the cited references.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

Applicant does not acquiesce to any assertion made by the Examiner that is not specifically addressed herein.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845.

Respectfully submitted,

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